

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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DANIEL HAMPTON,

Docket No.: 17-CV-5711(JMW)

Plaintiff,

**DECLARATION OF**  
**THOMAS RICOTTA**

- against -

DAVID J. SHULKIN, in his Official Capacity as  
Secretary of the United States Department of  
Veterans Affairs.

Defendants.

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STATE OF NEW YORK)

) ss.:

COUNTY OF NASSAU )

THOMAS RICOTTA, being duly sworn, deposes and says:

1. I am a partner of Ricotta & Marks (the "Firm"), attorneys for Plaintiffs in the above-captioned matter. As such, I am fully familiar with the facts and circumstances surrounding this action. I submit this Declaration in support of the Firm's motion to withdraw as attorneys for Plaintiff, Daniel Hampton ("Hampton").
2. The Firm was retained by Hampton on May 29, 2019, in order to substitute in as counsel and represent Hampton in this matter.
3. Pursuant to said retainer, the Firm opposed summary judgment and conducted the trial in this matter, in which a verdict was entered for Defendants. (Docket Nos.: 81 and 82).

4. Following the trial, after discussions with our client, our representation of Hampton ended, and, since then, Hampton has submitted, on his own, several motions to the Court in response to the verdict. (Docket Nos.: 83-86, 88, 92, 94).
6. Those motions, along with communications between Hampton and the Firm subsequent to the verdict in this matter evidence the fact that the professional relationship between Hampton and the Firm has ended.
7. Given the nature of the communications between Hampton and the Firm, in order to avoid any potential prejudice to Hampton, the Firm respectfully requests that should the Court require additional information, that it be presented *in camera*, in order to not divulge attorney-client communications to Defendant or the public.
8. If our motion is granted, this office will not be asserting any lien on any recovery Hampton may receive in this matter.
9. Presently Hampton has, as detailed above, filed post-trial motions and is awaiting a determination on same. Hampton has also filed a Notice of Appeal in this matter.
12. For the reasons set forth in this affidavit, and in the attached motion, it is respectfully requested that the Court grant our motion to withdraw as attorneys for Plaintiff.



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THOMAS RICOTTA